

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

<b>ANGELA HULLINGER</b> 10729 ERIE AVENUE LAKEVIEW, OHIO 43331	)	<b>Case No.:</b>
	)	
	)	<b>Judge:</b>
	)	
<b>Plaintiff,</b>	)	<b>PLAINTIFF’S COMPLAINT</b>
	)	<b>WITH JURY DEMAND ENDORSED HEREON</b>
<b>v.</b>	)	
	)	Michael A. Bruno (0033780)
<b>COX’S IRON HORSE, INC.</b>	)	Charles E. Boyk (0000494)
1856 COUNTY ROAD 7320	)	Andrea R. Young (0096334)
CAULFIELD, MO 65626	)	Charles E. Boyk Law Offices, LLC
	)	1500 Timberwolf Drive
and	)	Holland, Ohio 43528
	)	Telephone: (419) 241-1395
<b>DUANE COX</b>	)	Facsimile: (419) 241-8731
1856 COUNTY ROAD 7320	)	<a href="mailto:mbruno@charlesboyk-law.com">mbruno@charlesboyk-law.com</a>
CAULFIELD, MO 65626	)	
	)	<i>Attorneys for Plaintiff</i>
<b>Defendants.</b>	)	

**COMPLAINT AT LAW**

Plaintiff Angela Hullinger brings this Complaint against Defendants Cox’s Iron Horse, Inc. and Duane Cox for personal injuries suffered as a result of a collision between vehicles that occurred in Logan County, Ohio on or about February 9, 2021. In support of her claims, Plaintiff states as follows:

**PARTIES**

1. Plaintiff Angela Hullinger is an individual and a resident of the State of Ohio.

2. Defendant Cox's Iron Horse, Inc. is a commercial carrier/trucking company, which upon information and belief is a Missouri corporation with its principal place of business in Caulfield, Missouri, and which at all relevant times owned the vehicle driven by Defendant Duane Cox.
3. Defendant Duane Cox is an individual who upon information and belief is a resident of the State of Missouri, and who at all relevant times was driving a truck for Defendant Cox's Iron Horse, Inc. in the course and scope of his employment and/or agency for that company.

#### **JURISDICTION AND VENUE**

4. Plaintiff incorporates by reference each preceding and succeeding paragraph as though fully rewritten herein.
5. This Court has original jurisdiction over this matter under 28 U.S.C. § 1332 because Plaintiff's citizenship is diverse from that of each Defendant, and because the amount in controversy exceeds seventy-five thousand dollars (\$75,000.00).
6. Venue is proper in this Court under 28 U.S.C. § 1391(b) because the collision described herein occurred in Logan County, Ohio, which is in this judicial district.

#### **FACTUAL ALLEGATIONS**

7. Plaintiff incorporates by reference each preceding and succeeding paragraph as though fully rewritten herein.
8. At all relevant times, Defendant Cox's Iron Horse, Inc., or Defendant Duane Cox owned a 2004 Konworth Motor Truck, vehicle identification number 1XKWD9X94J063886, USDOT number 3084979.
9. At all relevant times, Defendant Duane Cox was acting in the course and scope of his employment or agency with Defendant Cox's Iron Horse, Inc.

10. On February 9, 2021, Plaintiff Angela Hullinger was operating her vehicle lawfully on Township Road 239 northbound in Logan County, Ohio. It was 5:13 p.m.
11. At the same time, Defendant Duane Cox was operating the truck described herein that was owned by Defendant Cox's Iron Horse, Inc., and was traveling westbound on US 33 approaching a solid red light at the intersection with Township Road 239. Defendant Cox ran the red light and struck the vehicle Plaintiff Angela Hullinger was in, causing damage to it and her.

**FIRST CAUSE OF ACTION**  
***(Negligence – Defendant Duane Cox)***

12. Plaintiff incorporates by reference each preceding and succeeding paragraph as though fully rewritten herein.
13. Defendant Duane Cox had a duty to exercise ordinary care and caution for the safety and welfare of other motorists, including a duty not to operate a vehicle in such a manner that may cause harm to Angela Hullinger.
14. Defendant Duane Cox breached that duty by failing to stop at a red light, striking the vehicle in which Ms. Hullinger was operating.
15. As a direct and proximate result of Defendant Duane Cox's negligence, Plaintiff Angela Hullinger sustained serious and permanent personal injuries, including but not limited to injuries to her head, neck, and mid-back. These injuries required medical and hospital care and caused Ms. Hullinger to incur substantial medical and hospital care costs, along with pain and suffering, lost wages, mental anguish, and emotional distress.
16. Further, Plaintiff Angela Hullinger believes some or all of these injuries are permanent in nature and will require future medical care and future medical care costs, and that she will continue to endure great pain, suffering, mental anguish, and emotional distress.

**SECOND CAUSE OF ACTION**  
***(Vicarious Liability – Defendant Cox’s Iron Horse, Inc.)***

17. Plaintiff incorporates by reference each preceding and succeeding paragraph as though fully rewritten herein.
18. Defendant Duane Cox was an employee, statutory employee, agent, servant, or independent contractor for Defendant Cox’s Iron Horse, Inc. at all relevant times.
19. At all relevant times, Defendant Duane Cox was acting in the course and scope of his employment and/or agency with Defendant Cox’s Iron Horse, Inc.
20. Under the doctrines of respondeat superior, principal agency, agency by estoppel, and/or vicarious liability, Defendant Cox’s Iron Horse, Inc. is liable for the negligent acts of its employees and/or agents, including but not limited to the negligent acts of Duane Cox, set forth herein, which caused the damages to Plaintiff that are set forth herein.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff prays that judgment be entered against the Defendants on each of the above-stated claims, with the following damages to be awarded:

- A. General damages and special damages that are fair and just and in excess of seventy-five thousand dollars (\$75,000).
- B. Attorney fees.
- C. Cost of suit incurred herein.
- D. Pre-judgment interest as provided by law; and
- E. Such other and further relief as the Court may deem just and proper.

Respectfully submitted,

/s/ Michael A. Bruno  
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Attorney for Plaintiff

**JURY DEMAND**

Plaintiff demands a trial by jury on all issues triable by right.

/s/ Michael A. Bruno

Michael A. Bruno

Attorney for Plaintiff